

EN
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Answer given by Ms Roswall
on behalf of the European Commission
(27.8.2025)

Under Article 25 of the Ecodesign for Sustainable Products Regulation¹ the Commission is required to adopt a delegated act on derogations from the prohibition of destruction of certain unsold consumer products, specifically apparel and clothing accessories and footwear. The co-legislator included these derogations as product destruction might be necessary for a number of reasons set out in paragraph 5 of Article 25: health, hygiene and safety reasons; damage caused to products as a result of their handling, or detected after products have been returned, which cannot be repaired in a cost-effective manner; unfitness of products for the purpose for which they are intended; non-acceptance of products offered for donation; unsuitability of products for preparing for reuse or for remanufacturing; unsaleability of products due to infringement of intellectual property rights, including counterfeit products.

The draft derogations have been based on these reasons. They have been formulated in such a way to ensure that the prohibition applies in so far as it is needed and proportionate, and thereby minimising negative effects on businesses, while at the same time preventing possible loopholes to circumvent the prohibition. At the same time, in order to prevent abuse and to ensure that destruction remains a measure of last resort, the draft delegated act includes provisions setting out how national competent authorities must verify how operators use these derogations.

¹ Regulation (EU) 2024/1781 of the European Parliament and of the Council of 13 June 2024 establishing a framework for the setting of ecodesign requirements for sustainable products, amending Directive (EU) 2020/1828 and Regulation (EU) 2023/1542 and repealing Directive 2009/125/EC, OJ L, 2024/1781, 28.6.2024.